

Incoming Republican Leaders Vow to Block Net Neutrality Vote

Walden: The FCC has overstepped its bounds

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"The FCC has overstepped its bounds and we intend to put a bridle on them and rein them in," said Rep. Greg Walden (R-Ore.), expressing the views of the new Republican leadership on key FCC oversight committees.

That came in a Tuesday conference call with reporters about the FCC's 3-2 party line vote to expand and codify network neutrality guidelines.

Walden, incoming chair of the House Communications Subcommittee, was joined by Energy & Commerce Committee Chair Fred Upton (R-Mich.), Communications Subcommittee Vice Chairman Lee Terry and committee/subcommittee member Marsha Blackburn (R-Tenn.) in pledging to get all the commissioners to the Hill to explain the move, while at the same time the legislators would work to overturn it by any legislative means necessary.

Confirming Upton's promise in an interview with B&C/Multichannel News, they vowed a series of hearings on the process, the legal underpinnings and the policy, the last which they characterized as a job-killing, investment killing, congress-bypassing, regulatory overreach. They will ask all the commissioners. They also said they would look into at least three ways to block implementation of the order, which would be legislation, defunding the FCC appropriation, or a special congressional resolution that would nullify the rules. "We are going to explore every option to try and reverse this order," said Upton. "This will be the first hearing out of the box," in the next Congress, he said, with a series of hearings to follow over the next several weeks. "There is going to be no stone unturned."

They argued the last choice of nullifying the rules was the most likely to succeed since it only required a simple majority and could not be filibustered.

Sen. Kay Bailey Hutchison (R-Tex.) signaled Tuesday she would push a resolution, and Walden and Upton said they would work with her.

Upton and Walden also said there could be congressional investigations of the process by which the vote was reached. Republican Commissioners Meredith Attwell Baker and Robert McDowell both complained that they had not seen the draft of an order with substantive changes in it until a little before midnight Monday, and were still vetting it even as he voted

against it, though that "no" vote had never been in doubt.

"The two Republican commissioners did not get to see the draft until 11:30 last night, and it was substantially changed from the prior drafts," he said. "I would be interested to know from the chairman who was involved in any meetings that led to changing that draft and why it was only made available to the other commissioners late last night."

Walden said Congress needed to look seriously at process issues. "They have a flawed process at the FCC that shuts out the people's business and we are going to address that forcefully."

Asked if Rep. Cliff Stearns, chair of the oversight subcommittee, would be conducting any FCC investigations related to the decision, Upton said that all subcommittee chairs will be "imbued with oversight" and that Walden would "jump right in."

He also said there could be action in the Manufacturing and Trade Subcommittee as well as it relates to the impact of the decision on consumers.

Terry branded FCC Chairman Julius Genachowski a "lone ranger" who was attempting an almost unprecedented power grab and pledged to regain the authority he said had been "stolen" from Congress. Lone, he suggested, because both Republican and Democratic legislators had signaled they thought clarifying the FCC's broadband oversight authority was Congress' call.

Blackburn, who has compared the FCC to a lifeblood-sucking vampire at the throat of the Internet, said she would be reintroducing legislation (HR 3924) that would block the FCC. Blackburn introduced the bill last fall, soon after the FCC proposed the network neutrality rulemaking.

